

Message Text

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ACTION EA-10

INFO OCT-01 ISO-00 H-02 SS-15 INR-07 SSO-00 INRE-00 L-03

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O 190947Z JUN 75
FM AMEMBASSY SEOUL
TO SECSTATE WASHDC IMMEDIATE 681

C O N F I D E N T I A L SECTION 1 OF 2 SEOUL 4297

STADIS

E.O. 11652: GDS
TAGS: PFOR, PINT, KS
SUBJECT:FRASER LETTER ON ROK STATUS OF HUMAN RIGHTS

REF: STATE 137379

1. FOLLOWING IS EMBASSY'S ANSWERS TO FACTUAL
QUESTIONS RAISED IN FRASER LETTER TOGETHER WITH
RECOMMENDATIONS FOR LINE TO TAKE IN REPLY TO QUESTIONS
OF A POLICY NATURE. PARAGRAPH NUMBERS IN THIS
TELEGRAM CORRESPOND TO PARA NUMBERS OF QUESTIONS IN
REFTEL.

2. SEOUL A-60, MARCH 24, 1975 PROVIDES GENERAL UP-TO-
DATE BACKGROUND INFORMATION AND EVALUATION ON HUMAN
RIGHTS DEVELOPMENTS DURING PERIOD MID-1974 TO EARLY-1975.
IN FEBRUARY 1975 ALL BUT 35 OF 203 POLITICAL PRISONERS
CONDEMNED IN 1974 FOR VIOLATION OF SPECIAL EMERGENCY
MEASURES WERE RELEASED. IN APRIL EIGHT PRISONERS
CHARGED WITH BEING PART OF COMMUNIST CONSPIRACY
WERE HANGED. ALTHOUGH PERSONS IN CONNECTION WITH PROTESTS
OR OTHER POLITICAL ACTIVITIES TEND TO BE SUBJECTED TO
PSYCHOLOGICAL PRESSURES, STORIES OF TORTURE AND
DRAMATIC VIOLATIONS OF HUMAN RIGHTS HAVE DIED DOWN.
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HOWEVER, PERIOD OF RELATIVE RELAXATION OF RESTRAINTS
ON OPPOSITION AND PRESS FREEDOM FOLLOWING
ASSASSINATION OF MADAME PARK IN AUGUST AND PRESIDENT
FORD'S VISIT IN NOVEMBER 1974 HAS NOW ENDED, AND ROKG
HAS REIMPOSED TIGHT RESTRICTIONS ON OPPOSITION
ACTIVITY AIMED AT CHANGES IN PRESENT SYSTEM.

MEASURES SUCH AS ANTI-SLANDER LAW PROHIBITING "SLANDER" OF ROKG INSTITUTIONS TO FOREIGN AUDIENCE, W(WHICH HAS NOT YET BEEN APPLIED) EMERGENCY MEASURE NINE, AS WELL AS REMOVAL OF SOME AJOR UNIVERSITY PRESIDENTS HAVE CIRCUMSCRIBED ACTIVITIES OF OPPOSITION PARTIES, PRESS, ACADEMIC COMMUNIT, AND CHURCHES. ON OTHER HAND, PUBLIC SENSE OF APPREHENSION OVER THREAT FROM NORTH IN WAKE OF SOUTHEAST ASIAN DEBACLE HAS RAISED LEVEL OF TOLERANCE TO AT SAME TIME PUBLIC CRITICISM OF GOVT ON OTHER THAN RESTRICTIONS TO NEW HIGH.

CONSTITUTIONAL ISSUES CONTINUED TO SOME EXTENT.

A. NUMBER OF POLITICAL PRISONERS: IN ADDITION TO THE 35 EM PRISONERS WHICH THE ROKG CONTINUES TO HOLD, AN UNSPECIFIED BUT SMALL NUMBER OF PERSONS ARE CURRENTLY HELD FOR "VIOLATION OF THE NATI-COMMUNIST LAWS." SUCH VIOLATIONS, MANY OF WHICH DATE FROM YEARS AGO, MAY VARY FROM ACTUAL EFFORTS TO ESTABLISH SUBVERSE MOVEMENTS TO CARLESS POLITICAL COMMENTS, OR GUILT BY ASSOCIATION FOR HAVING ASSOCIATED WITH OR KNOWN PERSONS ENGAGED IN ANTI-GOVERNMENT PROTESTS. SINCE THE IMPOSITION OF EMERGENCY MEASURE NINE A SMALL NUMBER OF UNIVERSITY STUDENTS HAVE BEEN PICKED UP AND ARE BEING HELD EITHER FOR INVESTIGATION RO TRIAL ON SUSPICION THAT THEY WERE LEADERS OF OR PARTICIPANTS IN ACTUAL OR ATTEMPTED STUDENT PROTESTS. OUR GUESS IS THAT MANY HAVE BEEN OR WILL BE RELEASED. ONE CLEARLY POLITICAL TRIAL, OF POET KIM CHI-HA FOR RENEWED VIOLATION OF ANTI-COMMUNIST LAW, IS SCHEDULED FOR SECOND COURT SESSION ON JUNE 17. IN ADDITION TO THOSE HELD ON SPECIFICALLY POLITICAL CHARGES, REV. KIM KWAN-SOK, SECRETARY GENERAL OF NCCC-K, AND SEVERAL OTHER PASTORS WHO ARE OSTENSIBLY CONFIDENTIAL

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ACCUSED OF CRIMINAL CHARGES, I.E. EMBEZZLEMENT, ARE PRINCIPALLY BEING TIRED FOR POLITICAL REASONS.

B. LENGTH OF DETENTION OF POLITICAL PRISONERS: UNDER EMERGENCY MEASURE NINE SUSPECTS CAN BE HELD WITHOUT TRIAL FOR INDEFINITE PERIODS. HOWEVER, WITH EXCEPTION OF ONE PERSON CAUGHT SMUGGLING FOREIGN CURRENCY, ROKG SO FAR HAS NOT YET USED MEASURE AGAINST WELL-KNOWN POLITICAL OPPONENTS, ALTHOUGH MOST STUDENTS CURRENTLY HELD WERE ARRESTED UNDER AUTHORITY OF EM NINE. UNDER KOREAN LAW, PRISONERS MAY NOT SEE LAWYERS UNTIL THEY ARE INDICTED. FAMILY VISITS ARE GENERALLY PERMITTED BUT LIMITED TO IMMEDIATE MEMBERS ONCE PRISONER HAS BEEN INDICTED OR SENTENCED.

C. AFTER EMERGENCY MEASURES PRISONERS RELEASED IN FEBRUARY 1975, FOUR OF THEM CHARGED THAT THEY HAD BEEN TORTURED DURING THEIR INTERROGATIONS IN APRIL 174. AT THE END OF FEBRUARY 1975 A NUMBER OF FORMER NATIONAL ASSEMBLYMEN CHARGED THAT THEY HAD BEEN TORTURED AFTER THEIR ARREST IN 1972. THERE HAVE BEEN NO RECENT PUBLIC CHARGES OF TORTURE OR MISTREATMENT OF PRISONERS. PRIVATELY, WE HAVE HEARD NO REPORTS OF SIGNIFICANT MISTREATMENT OF TORTURE, WE HAVE HEARD THAT SINCE FEBRUARY DISCLOSURES, ROKG AUTHORITIES HAVE TAKEN STEPS TO DISCOURAGE MALPRACTICES BY INTERROGATORS AND PRISON OFFICIALS. WE KNOW OF NO CASE IN WHICH CRIMINAL CHARGES HAVE BEEN BROUGHT AGAINST ANYONE FOR PRACTICING TORTURE.

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O 190947Z JUN 75

FM AMEMBASSY SEOUL

TO SECSTATE WASHDC IMMEDIATE 682

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STADIS////////////////////////////////////

E.O. 11652: GDS

TAGS: PFOR, PINT, KS

SUBJECT: FRASER LETTER ON ROK STATUS OF HUMAN RIGHTS

D. UNDER EM NINE ARRESTS MAY BE MADE INITIALLY WITHOUT WARRANTS BUT MUST BE APPROVED WITHIN 24 HOURS BY COURT TO REMAIN VALID. TRIALS ARE TO BE HELD IN OPEN CIVIL COURT, AS OPPOSED TO COURTS MARTIAL ESTABLISHED UNDER LAST YEAR'S DECREES. HOWEVER, UNDER KOREAN JURISPRUDENCE DUE PROCESS AND OTHER PROCEDURAL SAFEGUARDS AS KNOWN IN WEST HAVE ALWAYS BEEN AT BEST NEBULOUS.

E. FREEDOM OF EXPRESSION IS RESTRICTED BY EMERGENCY MEASURE NINE, WHICH PROHIBITS "FABRICATING OR DISSEMINATING FALSE FACTS" OR ADVOCATING A CHANGE IN THE PRESENT CONSTITUTION. THESE RESTRICTIONS ARE

BOLSTERED BY THE ANTI-SLANDER LAW, WHICH RESTRICTS FREEDOM OF SPEECH FOR KOREANS WHILE ABROAD OR IN DEALINGS WITH FOREIGNERS WHILE IN KOREA. KOREAN PRESS IS PLACED UNDER SAME EM NINE RESTRICTIONS MENTIONED ABOVE AND IS UNABLE TO REPORT CONTENT OF VILATIONS COMMITTED BY OTHER PERSONS. THIS TOGETHER WITH FACT THAT KCIA AGENTS ARE ASSIGNED TO ALL MEDIA, HAS ELIMINATED FROM PRESS AND RADIO ANY CRITICISM OF CONSTITUTIONAL SYSTEM OR BASIC THRUST OF ROKG'S
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INTERNAL POLICES.

F. RIGHTX OF TRADE UNIONS HAVE NOT BEEN SIGNIFICANTLY AFFECTED BY RECENT CURBS OF OPPOSITION ACTIVITIES. HOWEVER, ROKG IS NOW ENGAGED IN SYSTEMATIC CAMPAIGN TO PURGE LABOR LEADERS WHO HAVE BEEN IDENTIFIED WITH CATHOLIC OR PROTESTANT SOCIAL ACTION GROUPS. SEVERAL OF THEM HAVE BEEN FIRED, AND TWO, ONE IN SEOUL AND ONE IN KWANGJU, ARE NOW FACING TRIALS FOR "EMBEZZLEMENT." EVEN ORDINARY WORKERS KNOWN TO HAVE PARTICIPATED IN CHRISTIAN SOCIAL ACTION ARE SUBJECT TO BLACKLISTINGS AND FIRINGS. KCIA IS NOW REQUIRING LL WORKERS IN SEOUL AREA TO FILE QUESTIONNAIRES REGARDING RELIGION AND ORGANIZATIONAL AFFILIATION AS BASIS FOR THIS CAMPAIGN.

G. OUTDOOR MEETINGS HAVE ALWAYS REQUIRED PRIOR PERMISSION BY GOVERNMENT AUTHORITIES. EMERGENCY MEASURE NINE BOLSTERS THIS REQUIREMENT BY SPECIFYING THAT DEMONSTRATIONS OR ASSEMBLIES AIMED AT CRITICISM OF CONSTITUTION ARE ILLEGAL. IN PRACTICE, ALL OUTDOOR DEMONSTRATIONS OR MEETINGS CAN BE BARRED BY GOVERNMENT. SINCE EMRGENCY MEASURE NINE CRACKDOWN, ANY INDOOR MEETINGS WHICH GOVERNMENT CONSIDERS INIMICAL, SUCH AS POLITICALLY-ORIENTED PRAYER MEETINGS, HAVE VIRTUALLY CEASED, CLEARLY AS A RESULT OF INFORMAL GOVERNMENT PRESSURES AND CAUTION ON PART OF POTENTIAL ORGANIZERS. WITH REGARD TO POLITICAL PARTIES, THERE ARE NO PARTICULARLY ONEROUS FORMAL RESTRICTIONS PLACED ON THEIR FORMATION. IN ANY CASE, THERE HAS BEEN NO MOVEMENT IN THE DIRECTION OF FORMING NEW PARTIES. AT PRESENT, THE NDP ANDF THE SMALL DEMOCRATIC UNIFICATION PARTY ARE ATTEMPTING TO UNITE; THEIR DIFFICULTIES IN DOING SO ARE MORE SELF-GENERATED THAN GOVERNMENT INSPIRED.

3. OVER THE PAST YEAR WE HAVE CONTINUED TO EXPRESS TO KOREAN OFFICIALS OUR CONCERN OVER HUMAN RIGHTS, REACTION IN U.S. TO VIOLATION OF HUMAN RIGHTS, AND TO EMPHASIZE THE PROBLEMS WHICH RESTRICTIONS ON THOSE RIGHTS CREATE FOR GENERATING SUPPORT FOR US COMMITMENTS TO KOREA. IT

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IS NOT EASY TO ASCERTAIN WHAT THE EFFECT OF THESE REPRESENTATIONS HAS BEEN, IN PART BECAUSE KOREAN POLICIES HAVE LUCTUATED WIDELY DURING THIS PERIOD. 5#343 2- , FOR EXAMPLE, APERCEPTIBLE MODERATION OF REGIME POLCIES FOLLOWING THE PRESIDENT'S VISIT IN NOVEMBER 1974. THE PRESS WAS BASICALLY QUIETE FREE, THE OPPOSITION WAS ABLE TO CRITICIZE THE SYSTEM AND CALL FOR THE PRESIDENT TO STEP DOWN, THE NATIONAL COUNCIL FOR THE RESTORATION OF DEMOCRACY WAS FORMED,

THE EMERGENCY MEASURES PRISONERS WERE RELEASED. A NEW STIFFENING IN INTERNAL POLICIES BEGAN WITH DETERIORATION OF INDOCHINA SITUATION IN MID-MARCH, CULMINATING WITH EMERGENCY MEASURE NINE AND THE HEAVY EMPHASIS ON DISCIPLINE AND UNITY IN THE FACE OF THE THREAT FROM THE NORTH. ON BALANCE, WE WOULD HAVE TO CONCLUDE THAT THE ROKG ASSIGNS LESS WEIGHT TO US REPRESENTATIONS ON HUMAN RIGHTS THAN TO ITS OWN VIEWS OF WHAT IS NECESSARY TO MAINTAIN ROK STABILITY IN A POTENTIALLY DANGEROUS SECURITY SITUATION. ROKG VIEWPOINT INVOLVES (1) A TENDENCY TO REJECT WHAT IT CONSIDERS UNDUE INTERFERENCE IN KOREAN INTERNAL AFFAIRS, (W) A BELIEF THAT AMERICANS AND OTHER FOREIGNERS DO NOT FULLY UNDERSTAND KOREAN REALITIES, AND (3) A CONVICTION, BOLSTERED BY THE US PULL-OUT FROM SOTHEAST ASIA, THAT KOREA MUST PREPARE FOR SELF-RELIANCE AND THAT THE EVENTUAL REDUCTION OF US AID AND MILITARY PRESENCE IS AN INEVITABILITY, REGARDLESS OF THE NATURE OF KOREA'S INTERNAL POLICIES.

4. A. UNLIKE TRADITIONALLY DEMOCRATIC WESTERN SOCIETIES, COHESION IN KOREAN SCOIETY HAS NOT DEPENDED ON GIVE-AND-TAKE, OPEN COMPETITITON BETWETN VARIOUS ELEMENTS OFXSOCIETY. ACTIVE DISSENT HAS GENERALLY BEEN LIMITED, SPORADIC AND NOT WELL ORGANIZED. UNDER THESE CIRCUMSTANCES, IT IS QUESTIONABLE WHETHER STIFLING DISSENT WILL CREATE EXPLOSIVE PRESSURES IN KOREA OR WILL ERODE THE FABRIC OF SOCIETY, AS WOULD BE THE CASE IN THE US. IN THIS REGARD, ALTHOUGH IT IS PERHAPS TOO EARLY TO MAKE ANY

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FIRM JUDGMENTS, THE OPPOSITION, THE CHURCH GROUPS, AND THE STUDENTS APPEAR TO BE PUTTING UP LITTLE RESISTANCE TO RECENT GOVERNMENT MOVES AND, IN MANY CASES, APPEAR TO BE GENUINELY CONCERNED OVER THE PROBLEMS WHICH ANTI-GOVERNMENT ACTIVITY MIGHT CREATE

IN THE SECURITY FIELD. IN ANY EVENT WE WOULD HOPE THAT ROKG'S INTERNAL MEASURES COULD BE MODERATED, AS THEY HAVE BEEN INTERMITTENTLY IN PAST, SO AS TO MITIGATE ANY DESTABLIZING EFFECT THEY MAY HAVE AND TO PROVIDE GREATER HOPE FOR OPPOSITION ELEMENTS THAT IMPROVEMENTS MAY EVENTUALLY BE ACHIEVED WITHIN THE SYSTEM.

4. B. SINCE OUR COMMITMENT TO KOREA INVOLVES OUR BROADER SECURITY INTERESTS IN NORTHEAST ASIA, WE DO NOT SEE HOW WE COULD SERIOUSLY THREATEN PAK WITH REDUCTION AND EVENTUAL TERMINATION OF THAT COMMITMENT IN ORDER TO ACHIEVE CHANGES IN HIS INTERNAL POLICIES WITHOUT THREATENING THESE SECURITY INTERESTS. MOREOVER, WE BELIVE THAT ANY APPROACH WHICH IS VIEWED BY PAK AS A THREAT WOULD BE UNLIKELY TO ACHIEVE THE DESIRED EFFECT. NEVERTHELESS, ALTHOUGH PAK IS WELL AWARE OF US CRITICISM OF HIS POLICIES AND IMPLICATIONS FOR US COMMITMENT, WE WOULD BE PREPARED TO BRING PERSONALLY TO PAK'S ATTENTION THE EXTENT TO WHICH REPRESSION JEOPARDIZES OUR ABILITY TO MAINTAIN OUR CURRENT COMMITMENT.

5. SOUTHEAST ASIA DENOUEMENT SHOULD AT MINIMUM HAVE EDUCATED US TO DANGERS OF LEAVING PEOPLE WHO RELY UPON US TO FACE ENEMY PSYCHOLGOCIAL AND MILITARY PRESSURES ALONE. WE SHOULD ALSO HAVE LEARNED TO BE MORE CYNICAL OF INTENTIONS OF ENEMY AND MORE REALISTIC REGARDING RELATIVE STRENGTHS AND WEAKNESSES OF CONTENDING REGIMES. BEYOND THAT, DISPARTIES BEGWEEN SOUTHEAST ASIA AND KOREAN SITUATION ARE SO NUMEROUS AND GREAT AS TO MAKE APPLICATION OF LESSONS LEARNED VERY DIFFICULT.
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